

REMARKS

This paper is in response to the Office Action mailed January 28, 2008. Claims 1, 4-29, 31-33, 35, 36, and 44-47 are pending. No claims have been amended, added, or cancelled. Reconsideration in light of the remarks made herein is respectfully requested.

Rejection Under 35 U.S.C. § 102

The Examiner rejects claims 1, 4, 5, 13, 25-29, 31, 32, 35 and 44-46 under 35 U.S.C. § 102(b) as being anticipated by Qureshey, et al. (US 2007/0180063 A1). Applicants respectfully disagree.

Qureshey describes a centralized audio playlist management and distribution system. The system described in Qureshey includes a network enabled audio device, referred to in Qureshey as an intelligent radio, that is able to play music from various source devices, such as MP3 players, CD players, and the internet. The intelligent radio further connects to the internet to receive digitized radio broadcasts (Qureshey, paragraphs [0009-0012]). A user may connect to an internet personal audio network (IPAN) server via an IPAN client to manage source devices and playlists accessible to the intelligent radio. Further the intelligent radio and source devices connect to the IPAN server so that user created playlists, in the IPAN client, can be distributed to the audio and source devices (Qureshey, paragraphs [0013-0015] and [0150]). The intelligent radio includes a network interface for connecting the intelligent radio with source devices and the IPAN server (Qureshey, paragraphs [0078], [0080], and [0138]). Qureshey further describes that playlists and song downloads are handled at predefined intervals, and that failure to fully obtain songs and/or playlists during a predefined interval are completed at the next predefined interval (Qureshey, paragraphs [0015] and [0150]).

Claim 1 recites:

A system comprising:

a controller configured to select an identifier associated with a media object and to send a request to play the media object identified by the identifier, wherein the controller sends the request by wirelessly transmitting the request having the identifier stored in the controller over a first network, the first network being a wireless network;

an appliance configured to receive the request having the identifier from the controller over the wireless network, to determine whether the identified media object is stored in the appliance, to retrieve the media object from a first server via a second network different than the first network when the media object is not stored in the appliance, and to play the media object in response to the request, wherein the controller and the first server are synchronized on a predetermined time period to provide the controller with identifiers for identifying each media object stored on the first server.

That is, independent claim 1 includes a controller that wirelessly communicates with an appliance over a wireless network, where the appliance communicates with a first server over a second network which is different than the wireless network. The controller sends a request to the appliance to play a media object by wirelessly transmitting an identifier identifying the requested object in the appliance. In response to the request being wirelessly received from the controller over the first network, the appliance determines whether the requested media object is locally stored in the appliance and retrieves the requested object from the first server over the second network (e.g., different than the wireless network) if the appliance does not have the requested object stored therein. Thereafter, the appliance plays within the appliance (rather than the controller) the retrieved object. Furthermore, the controller and the server are synchronized, based on a predetermined time period, so that the controller is provided with identifiers identifying each media object stored on the first server.

It is respectfully submitted that Qureshey fails to describe each and every limitation as set forth above. Furthermore, Applicants respectfully submit that even if Qureshey were to describe

the claimed limitations, the passages in Qureshey relied upon by the Examiner are not properly prior art against the present patent application under § 102(b).

Qureshey, as discussed above, provides for a centralized playlist management system. In the system described by Qureshey, and in the passages cited upon by the Examiner, Qureshey recites:

[0015] The IPAN client and the IPAN server store the name of the song and the associated Uniform Resource Locator (URL). The user can list multiple devices as being part of his or her IPAN. At a default time, such as for example 2 a.m., each device establishes a connection to an Internet Service Provider (ISP). The stored software module in each device connects to the server site home page, via the ISP, and inquires whether any songs or playlists have been assigned to the device. The user can bypass the default time for accessing the server and access the server by manually pressing one of the buttons.

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[0150] At the server site 1104, the user can access the server site IPAN software 1433 through a network connection to the server site IPAN 1104 and from the server site IPAN software 1433 the user can assign playlists to different devices such as the network-enabled audio device 1510, the network-enabled audio device 1520, or the client PC 1508. The user composes the playlists from the server site IPAN software 1433, but typically only stores the title of the song and the URL from which the song came. The playlists stored throughout the IPAN 1100 are also stored in the server site IPAN 1433. The user then has a master list of where all playlists are located. When the device 1510 connects to the server site IPAN 1104, a playlist is assigned to it. Within the playlist, the URL's indicate the location from which the audio files associated with the song titles in the playlist can be downloaded. The network-enabled audio device 1510 then proceeds to download the song from the given site specified by the URL to the disk space 1512 on the device 1510. If the site at the URL is not working, the server site IPAN software 1433 will upload the playlist from the disk space 1522 of another device 1520 the next time the second device 1520 connects to the network. The next time the original device 1510 calls in, it will download the playlist form the server site 1104.

That is, at predetermined intervals, playlists and songs are distributed to various devices, as specified at an IPAN server. If there are failures, such as a song not being available for download, the problem is addressed at the next predetermined interval. It is from these

distributed playlists and songs, whether or not complete, that a user may select and play songs on an intelligent radio (Qureshey, paragraphs [0013-0015] and [0150]).

Applicants, however, claim a controller that requests a media object be played at an appliance. The appliance then obtains the requested media object, if the object is not stored by the appliance, and plays the requested media object. Thus, the appliance plays and obtains media objects in response to requests from a controller. Although Qureshey describes distributing songs and playlists to various devices, the system of Qureshey performs actions at predetermined intervals, and not in response to a request from a controller. Thus, Qureshey fails to describe or suggest each and every limitation claimed by the Applicants in claim 1.

Furthermore, the Examiner cites Qureshey (U.S. Patent. App. No. 2007/0180063 A1) under § 102(b). To properly be considered as prior art under § 102(b), features in a reference must be “in a printed publication … more than one year prior to the date of the application for patent in the United States” (35 U.S.C. § 102(b)). Furthermore, the priority date for features described in a continuation-in-part application are only given the benefit of a parent application’s priority date to the extent those features find support in the earlier filed parent application (MPEP 201.11(I)(B)). Thus, in order to properly be applied as prior art under 35 U.S.C. § 102, the features in Qureshey that are relied upon by the Examiner in the present Office Action, must find support in a parent application of Qureshey that predates the present application by more than one year. Applicants respectfully submit that the passages relied upon by the Examiner in Qureshey cannot find support in the parent applications of Qureshey, and thus Qureshey is not properly prior art against the present application.

Applicants’ patent application has been accorded a filing date of 7/31/2000. Qureshey is a continuation application of U.S. patent application Ser. No. 11/563,227, filed Nov. 26, 2006,

which is a continuation application of U.S. patent application Ser. No. 09/805,470, filed Mar. 12, 2001, which is a continuation-in-part application of U.S. patent application Ser. No. 09/096,703, filed Jun. 12, 1998, now abandoned, and which claims the benefit of U.S. Provisional Application No. 60/246,842, filed Nov. 8, 2000. U.S. patent application Ser. No. 09/096,703 also claims the benefit of U.S. Provisional Patent Application No. 60/072,127, filed Jan. 22, 1998. Thus, only the provisional application 60/246,842 ("Qureshey2") and non-provisional application 09/096,703 ("Qureshey3"), from which Qureshey is a continuation-in-part, predate the present application. As such only those features in Qureshey that are supported in Qureshey2 and Qureshey3 are properly prior art to the present application under 35 U.S.C. § 102(b).

Applicants have been unable to obtain a copy of Qureshey3, but have thoroughly reviewed Qureshey2. Qureshey2 describes an internet radio tuner device that enables a user to select radio station streams and play those streams on the internet radio tuner device (Qureshey2, pages 2-11; Figure 5). Qureshey2, however, fails to describe wireless communication for requesting media objects, internally storing media objects in the internet radio tuner device, and obtaining requested media objects from a server if the requested object is not stored at the internet radio tuner device (*See Office Action, mailed January 28, 2008, pages 3-4 citing Qureshey*). Thus, Qureshey2 is completely silent as to any controller that wirelessly requests media objects be played at an appliance, and the appliance configured to receive the request and obtain the requested media objects over a second network when the media object is not stored locally by the appliance, as claimed.

As such, Qureshey2 fails to describe, or support, each and every feature claimed by the Applicants. Since Qureshey must rely on Qureshey2 and Qureshey3 in order to be considered as prior art under § 102(b), and Applicants are unable to find support within Qureshey2 upon

thorough review of the reference for the features relied upon by the Examiner, Applicants respectfully submit that the features in Qureshey are not properly prior art under § 102(b).

Applicants respectfully submit that if the Examiner believes Qureshey3 describes the features in question, then the Examiner must provide Applicant a copy of this application, or withdraw the rejection. Therefore, Applicants respectfully submit that Qureshey fails to describe each and every limitation as claimed. Further, even if Qureshey were to describe limitations similar to those claimed by the Applicants, the features relied upon by the Examiner do not predate the present patent application. Thus, Applicants respectfully submit that claim 1, and claims 4, 5, 13, 25-28 which depend therefrom, are not anticipated by Qureshey under § 102.

Independent claims 29 and 44 include similar features and limitations to those discussed above with respect to independent claim 1. Thus, for similar reasons claims 29 and 44, and claims 31, 32, 35, 45, and 46 which depend therefrom, are also not anticipated by Qureshey under § 102.

Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 4, 5, 13, 25-29, 31, 32, 35 and 44-46 under 35 U.S.C. § 102(b) as being anticipated by Qureshey, et al. (US 2007/0180063 A1).

Rejection Under 35 U.S.C. § 103

The Examiner rejects claims 6 and 7 under 35 U.S.C. § 103(a) as being unpatentable over Qureshey, et al. (US 2007/0180063 A1) and Taylor, et al. (US 2005/0268160 A1). Applicants respectfully disagree. Taylor describes a module server system that manipulates files and locations with disks of the server system (Taylor, column 1, lines 45-62; Figure 2), but fails to remedy the shortcomings of Qureshey as discussed above with respect to claim 1. Thus, Qureshey and Taylor, alone or in combination, fail to render claim 1, and thus dependent claims

6 and 7, obvious under § 103(a). Applicants therefore respectfully request withdrawal of the rejection of claims 6 and 7 under 35 U.S.C. § 103(a) as being unpatentable over Qureshey and Taylor.

The Examiner rejects claims 8-12 and 33 under 35 U.S.C. § 103(a) as being unpatentable Qureshey/Taylor, et al. and Benson et al. (US 2004/0039741 A1). Applicants respectfully disagree. Benson describes a system for managing data objects based on predetermined usage constraints and conditions (Benson, abstract; paragraphs [0016-0022]), but fails to remedy the shortcomings of Qureshey and Taylor as discussed above with respect to claims 1 and 29. As such, Qureshey, Taylor, and Benson, alone or in combination, fail to render claims 1 and 29, and thus dependent claims 8-12 and 33, obvious under § 103(a). Applicants therefore respectfully request withdrawal of the rejection of claims 8-12 and 33 under 35 U.S.C. § 103(a) as being unpatentable Qureshey, Taylor, and Benson.

The Examiner rejects claims 14 and 15 under 35 U.S.C. § 103(a) as being unpatentable Qureshey and Dom et al. (US 6,166,735). Applicants respectfully disagree. Dom describes a system that allows a user to play the video from one of many various starting points of a video, as opposed to the beginning of a video (Dom, column 9, lines 4-50), but fails to remedy the shortcomings of Qureshey as discussed above with respect to claim 1. As such, Qureshey and Dom, alone or in combination, fail to render claim 1, and thus dependent claims 14 and 15, obvious under § 103(a). Applicants therefore respectfully request withdrawal of the rejection of claims 14 and 15 under 35 U.S.C. § 103(a) as being unpatentable Qureshey and Dom.

The Examiner rejects claims 16-19 and 36 under 35 U.S.C. § 103(a) as being unpatentable Qureshey/Dom and Morris et al. (US 6,097,389). Applicants respectfully disagree. Morris merely describes a graphical user interface for displaying graphical images (Dom,

column 3, line 40 to column 4, line 39), but fails to remedy the shortcomings of Qureshey and Dom as discussed above with respect to claims 1 and 29. Thus, Qureshey, Dom, and Morris, alone or in combination, fail to render claims 1 and 29, and thus dependent claims 16-19 and 36, obvious under 35 U.S.C. § 103(a). Applicants respectfully request withdrawal of the rejection of claims 16-19 and 36 under 35 U.S.C. § 103(a) as being unpatentable Qureshey, Dom and Morris.

The Examiner rejects claims 8-12 and 33 under 35 U.S.C. § 103(a) as being unpatentable Qureshey/Taylor, et al. and Benson et al. (US 2004/0039741 A1). Applicants respectfully disagree. As discussed above, Qureshey, Taylor, and Benson, alone or in combination fail to render claims 1 and 29 obvious. Because claims 8-12 and 33 depend from claims 1 and 29, and include additional features and limitations, claims 8-12 and 33 are also not rendered obvious under § 103(a) in view of a combination of Qureshey, Taylor, and Benson. Applicants respectfully request withdrawal of the rejection of claims 8-12 and 33 under 35 U.S.C. § 103(a) as being unpatentable Qureshey, Taylor, and Benson.

The Examiner rejects claim 20 under 35 U.S.C. § 103(a) as being unpatentable Qureshey/Dom/Morris, and Yang et al. (US 6,301,586 B1). Applicants respectfully disagree. Yang describe a system for managing media object in an album format and a database for storing the objects and albums (Yang, figures 29-32), but fails to remedy the shortcomings of Qureshey, Dom, and Morris as discussed above with respect to claim 1. Thus, Qureshey, Dom, Morris, and Yang, alone or in combination, fail to render claim 1, and thus claim 20 obvious under § 103(a). Applicants therefore respectfully request withdrawal of the rejection of claim 20 under 35 U.S.C. § 103(a) as being unpatentable Qureshey, Dom, Morris, and Yang.

The Examiner rejects claims 21 and 22 under 35 U.S.C. § 103(a) as being unpatentable Qureshey and Lin-Hendel (US 7,096,426 B1). Applicants respectfully disagree. Lin-Hendel

describes a collage of digital objects, where the digital objects are provided with their own links via virtual layers for the objects (Lin-Hendel, abstract; column 4, lines 3-42; Figure 12. Each of the digital layers is assigned a link-token or URL pointer to content associated with the link for the digital layer (Lin-Hendel, column 7, lines 1-65). However, Lin-Hendel fails to address the shortcomings of Qureshey, as discussed above with respect to claim 1. Thus, Qureshey and Lin-Hendel, alone or in combination, fail to render claim 1, and thus claims 21 and 22 obvious under § 103(a).

With respect to claim 21, the present invention as claimed requires that “the appliance is operable to play a media object not stored in the controller, and wherein the controller imports the identifier associated with the media object by sending a request to import the identifier not stored in the controller.” The Examiner states that Qureshey fails to describe or suggest the features of claim 21, and therefore relies on Lin-Hendel to cure the deficiencies (Office Action, mailed January 28, 2008, page 10). Applicants respectfully submit that the deficiencies of Qureshey are not shown in Lin-Hendel. Rather, Lin-Hendel merely describes that URL links may be assigned, by a developer, to layers of a web page that contains media object. Nothing in Lin-Hendel describes or even suggest a controller, which requests an appliance to play media objects, that imports an identifier associated with the media object by importing the identifier to the controller, as claimed. Further, the passages of Lin-Hendel cited by the Examiner (Office Action, mailed January 28, 2008, page 10) describe link-tokens that merely point to digital objects, that when the link is clicked by a user the object associated with the link is obtained, and that link-tokens may be assigned during development to various objects, sources, and functions (Lin-Hendel, column 1, line 44 to column 2, line 27; column 7, lines 1-22; column 8, lines 34-67). There is nothing in the passages cited by the Examiner that describes or even suggest “the

appliance is operable to play a media object not stored in the controller, and wherein the controller imports the identifier associated with the media object by sending a request to import the identifier not stored in the controller.” In view of this, Applicants respectfully submit that the invention as claimed in claim 21 is not rendered obvious by a combination of Qureshey and Lin-Hendel.

With respect to claim 22, the present invention as claimed requires “wherein in response to the request to import the identifier not stored in the controller, the appliance sends the identifier and a reduced visual representation of the corresponding media object.” The Examiner states that Qureshey fails to describe or suggest the features of claim 21, and therefore relies on Lin-Hendel to cure the deficiencies (Office Action, mailed January 28, 2008, page 10). Applicants respectfully submit that the deficiencies of Qureshey are not shown in Lin-Hendel. In the passages cited by the Examiner, Lin-Hendel describes that digital objects may be identified by link-tokens or URLs, and that a digital object may be partitioned and associated with multiple link-tokens (Lin-Hendel, column 7, lines 1-22; column 8, lines 34-67). However, merely associating a digital object with links fails to describe or even suggest that “in response to the request to import the identifier not stored in the controller, the appliance sends the identifier and a reduced visual representation of the corresponding media object.” In view of this, Applicants respectfully submit that the invention as claimed in claim 22 is not rendered obvious by a combination of Qureshey and Lin-Hendel.

The Examiner rejects claim 23 under 35 U.S.C. § 103(a) as being unpatentable Qureshey/Lin-Hendel and Dom, et al. (US 6,166,735). Applicants respectfully disagree. As discussed above, Qureshey, Lin-Hendel, and Dom, fail to describe or suggest each and every feature as claimed in claim 1. Because claim 23 depends from claim 1, and include additional

features and limitations, claim 23 is also not rendered obvious under § 103(a) in view of a combination of Qureshey, Lin-Hendel, and Dom. Applicants respectfully request withdrawal of the rejection of claim 23 under 35 U.S.C. § 103(a) as being unpatentable Qureshey, Lin-Hendel, and Dom.

The Examiner rejects claim 47 under 35 U.S.C. § 103(a) as being unpatentable Qureshey and Benson et al. (US 2004/0039741 A1). Applicants respectfully disagree. Benson describes a system for managing data objects based on predetermined usage constraints and conditions (Benson, abstract; paragraphs [0016-0022]), but fails to remedy the shortcomings of Qureshey as discussed above with respect to claim 44. As such, Qureshey and Benson, alone or in combination, fail to render claim 44, and thus dependent claim 47, obvious under § 103(a). Applicants therefore respectfully request withdrawal of the rejection of claim 47 under 35 U.S.C. § 103(a) as being unpatentable Qureshey and Benson.

Conclusion

Applicant reserves all rights with respect to the applicability of the doctrine of equivalents. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

If there are any additional charges, please charge Deposit Account 02-2666 for any fee deficiency that may be due.

Respectfully submitted,
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